

1 Jahan C. Sagafi (Cal. Bar No. 224887)  
[jsagafi@outtengolden.com](mailto:jsagafi@outtengolden.com)  
2 Relic Sun (Cal. Bar No. 306701)  
[rsun@outtengolden.com](mailto:rsun@outtengolden.com)  
3 OUTTEN & GOLDEN LLP  
4 One Embarcadero Center, 38th Floor  
San Francisco, California 94111  
5 Telephone: (415) 638-8800  
Facsimile: (415) 638-8810

6 Michael N. Litrownik (admitted *pro hac vice*)  
[mlitrownik@outtengolden.com](mailto:mlitrownik@outtengolden.com)  
7 3 Park Avenue, 29th Floor  
New York, New York 10016  
8 Telephone: (212) 245-1000  
Facsimile: (646) 509-2060

9 Jason C. Marsili (Cal. Bar No. 233980)  
[jmarsili@posner-rosen.com](mailto:jmarsili@posner-rosen.com)  
10 Brianna M. Primozic (Cal. Bar No. 274397)  
[bprimozic@posner-rosen.com](mailto:bprimozic@posner-rosen.com)  
11 POSNER & ROSEN LLP  
12 3600 Wilshire Boulevard, Suite 1800  
Los Angeles, California 90010  
13 Telephone: (213) 389-6050  
Facsimile: (213) 389-0663

14  
15 *Attorneys for Plaintiffs and proposed  
Collective and Class Members*

16  
17  
18                   UNITED STATES DISTRICT COURT  
19                   NORTHERN DISTRICT OF CALIFORNIA  
20                   SAN FRANCISCO DIVISION

21 WENDELL WALTON and MICHAEL  
MANTONYA, individually and on behalf of  
all others similarly situated,

22                   Plaintiffs,

23                   v.

24 AT&T SERVICES, INC.

25                   Defendant.

26 Case No. 15-cv-03653-VC

27 **JOINT STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE BRIEFING  
SCHEDULE AND HEARING DATE FOR  
AT&T'S SUMMARY JUDGMENT  
MOTIONS**

STIPULATION AND [PROPOSED] ORDER TO CONTINUE  
BRIEFING SCHEDULE AND HEARING DATE FOR  
AT&T'S SUMMARY JUDGMENT MOTIONS  
CASE NO. 15-CV-03653-VC

1 Plaintiffs Wendell Walton and Michael Mantonya (“Plaintiffs”) and Defendant AT&T  
2 Services, Inc. (“AT&T”) hereby stipulate and agree as follows:

3 WHEREAS, on August 25, 2016, AT&T filed Motions for Summary Judgment as to  
4 Plaintiffs Wendell Walton and Michael Mantonya, ECF Nos. 92 and 93;

5 WHEREAS, on August 26, 2016, Plaintiffs filed an Administrative Motion to take off  
6 calendar AT&T’s Motions, ECF No. 95;

7 WHEREAS, the parties agreed to withdraw their respective motions and meet and confer  
8 on a briefing schedule and a timetable to complete the discovery reasonably necessary for  
9 Plaintiffs to oppose the summary judgment motion;

10 WHEREAS, on September 7, 2016, AT&T refiled its Motions for Summary Judgment as  
11 to both Plaintiffs and set a hearing date of November 17, ECF Nos. 99 and 100, but stated it was  
12 willing to stipulate to a briefing schedule that might include a later hearing date;

13 WHEREAS, per the local rules, this filing automatically triggered a deadline of September  
14 21 for Plaintiffs’ opposition briefs;

15 WHEREAS, the parties have met and conferred and continue to meet and confer by letter  
16 and telephone regarding the appropriate scope of depositions and document production (including  
17 reasonable ESI discovery);

18 WHEREAS, Plaintiffs are exploring whether to bring affirmative motions for summary  
19 judgment;

20 WHEREAS, AT&T has agreed to extend the deadline to respond beyond the present  
21 September 21 deadline while the parties continue to attempt to establish a schedule;

22 WHEREAS, the parties propose the revised deadlines and hearing date set forth below,  
23 without prejudice to a further stipulation or unilateral request by Plaintiffs to further extend the  
24 schedule as they deem necessary to oppose the summary judgment motion;

25 WHEREAS, Plaintiffs may bring a unilateral request to move the summary judgment  
26 hearing date so that all summary judgment motions may be heard on the same date; and

1 WHEREAS, if the parties cannot ultimately agree on the appropriate scope and timing of  
 2 the above-referenced discovery, the parties will request a telephonic hearing with the Court.

3 THEREFORE, the parties hereby propose the following briefing and hearing schedule for  
 4 AT&T's Motions (ECF Nos. 99 and 100):

5 <b>Item</b>	6 <b>Current Deadline</b>	7 <b>Proposed Deadline</b>
Plaintiffs' Opposition	September 21, 2016	November 3, 2016
AT&T's Reply	September 28, 2016	November 17, 2016
MSJ Hearing	November 17, 2016	December 1, 2016

8 Dated: September 16, 2016

Respectfully submitted,

9 By: /s/ Jahan C. Sagafi

10 Jahan C. Sagafi

11 Jahan C. Sagafi (Cal. Bar No. 224887)  
 12 Relic Sun (Cal. Bar No. 306701)  
 13 OUTTEN & GOLDEN LLP  
 14 One Embarcadero Center, 38th Floor  
 15 San Francisco, CA 94111  
 Telephone: (415) 638-8800  
 Facsimile: (347) 390-2187

16 Michael N. Litrownik (admitted *pro hac vice*)  
 17 3 Park Avenue, 29th Floor  
 New York, NY 10016  
 Telephone: (212) 245-1000  
 Facsimile: (646) 509-2060

18 Jason C. Marsili (Cal. Bar No. 233980)  
 19 Brianna M. Primozic (Cal. Bar No. 274397)  
 POSNER & ROSEN LLP  
 20 3600 Wilshire Boulevard, Suite 1800  
 21 Los Angeles, CA 90010  
 Telephone: (213) 389-6050  
 Facsimile: (213) 389-0663

22  
 23  
 24 *Attorneys for Plaintiffs and Proposed Collective*  
*and Class Members*

1 Dated: September 16, 2016

By: /s/ Thomas R. Kaufman

2 Thomas R. Kaufman

3 SHEPPARD, MULLIN, RICHTER  
4 & HAMPTON LLP

5 Thomas R. Kaufman (Cal. Bar. No. 177936)

6 Paul Berkowitz (Cal Bar. No. 251077)

7 Michael T. Campbell (Cal. Bar No. 293376)

8 1901 Avenue of the Stars, Suite 1600

9 Los Angeles, California 90067-6055

10 Telephone: (310) 228-3700

11 Facsimile: (310) 228-3701

12 *Attorneys for Defendant AT&T Services, Inc.*

## ORDER

The briefing schedule and hearing date for AT&T's Summary Judgment Motions, ECF Nos. 99 and 100, are hereby adjourned to the following dates:

Item	Current Deadline	Proposed Deadline
Plaintiffs' Opposition	September 21, 2016	November 3, 2016
AT&T's Reply	September 28, 2016	November 17, 2016
Hearing	November 17, 2016	December 1, 2016

It is so ORDERED.

Dated: September 16, 2016

By: \_\_\_\_\_

THE HONORABLE VINCE CHHABRIA  
UNITED STATES DISTRICT COURT JUDGE

## **ECF ATTESTATION**

I, Jahan C. Sagafi, am the ECF User whose ID and password are being used to file the foregoing JOINT STIPULATION & [PROPOSED] ORDER. In compliance with Local Rule 5-1(i)(3), I hereby attest that Defendant's counsel, Thomas R. Kaufman, has concurred in this filing.

Date: September 16, 2016

By

/s/ Jahan C. Sagafi

Jahan C. Sagafi

*Attorney for Plaintiffs and Proposed Class and  
Collective Members*